

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ELAINE MALONE and PATRICIA
MCKEOUGH, on behalf of the University of
Chicago Retirement Income Plan for Employees,
Nova Southeastern University 403(b) Plan, and
All Other Similarly Situated Plans,

Plaintiffs,

-against-

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,

Defendant.
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USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/8/17

15 CIVIL 8038 (PKC)

JUDGMENT

Defendant Teachers Insurance and Annuity Association of America ("TIAA") having moved to dismiss the Amended Complaint ("AC"), and the matter having come before the Honorable P. Kevin Castel, United States District Judge, and the Court, on March 7, 2017, having rendered its Memorandum and Order stating that Plaintiffs have not pled facts sufficient that Defendant was a fiduciary of the Plans with respect to its role as service provider, a condition precedent for all of Plaintiffs' claims for legal relief. Equitable relief is not appropriate in this case; the Court is thus granting Defendant's motion to dismiss; and directing the Clerk of the Court to enter judgment for Defendant TIAA, it is,

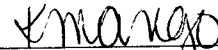
ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum and Order dated March 7, 2017, Plaintiffs have not pled facts sufficient to establish that Defendant was a fiduciary of the Plans with respect to its role as service provider, a condition precedent for all of Plaintiffs' claims for legal relief. Equitable relief is not appropriate in this case. Defendant's motion to dismiss is thus granted; judgment is entered for Defendant TIAA; accordingly, the case is closed.

Dated: New York, New York
March 8, 2017

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk